

THEY OVERCAME BY THE WORD
OF THEIR TESTIMONY

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January 8, 1996

Secretary
Federal Communications Commission
Stop Code 1170
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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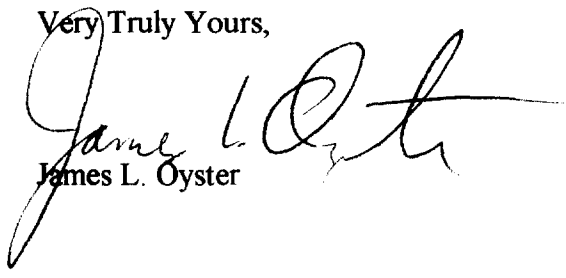
Re: Petition for Rulemaking, New FM Station, Frederiksted, St. Croix, U.S.V.I.

Dear Secretary:

Transmitted herewith on behalf of Jose J. Arzuaga are an original and four (4) copies of his petition for rulemaking to change the FM Table of Allotments to add a new channel in Frederiksted, St. Croix, U.S.V.I. Mr. Arzuaga is a citizen of the U.S.A., duly qualified to make this petition.

Should any additional information be desired regarding this matter, please communicate with this office.

Very Truly Yours,


James L. Oyster

December 20, 1995

Mr. William F. Caton,
Acting Secretary
Federal Communications Commission
1919 M. Street N.W.
Washington, DC 20554

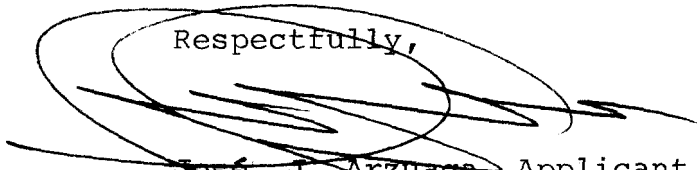
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Dear Mr. Caton:

Enclosed please find herewith an application for a
Rule Making at Frederiksted, Saint Croix on a frequency of
107.1 MHz. Channel 296B1.

If you have any questions concerning this matter please
communicate with us, I remain.

Respectfully,



José J. Arzuaga, Applicant
P.O. Box 980
Quebradillas, P.R. 00678
(809) 895-2725

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b)) RM-
Table of FM Assignments)
Frederiksted, Saint Croix)

Directed to: Chief, Mass Media Bureau

PETITION FOR RULE MAKING

Comes now José J. Arzuaga and respectfully requests that the Commission institute a Rule Making proceeding for the purpose of making the following amendment to Section 73.202(b) of the Commission's Rules:

<u>Location</u>	<u>Add</u>	<u>Delete</u>
Frederiksted, Saint Croix	296B1	None

In support of this request, Arzuaga states as follows:

Attachment A, an engineering statement, prepared by José J. Arzuaga, demonstrates that the requested assignment may be made in compliance with all current Commission allocation standards, including separation requirements. By granting this request, the Commission need make no other amendment to the FM Table Assignments. Operation on Channel 296B1 licensed to Frederiksted may be instituted without affecting any existing stations and will result in the allocation of a third fulltime aural transmission service; Frederiksted has only one daytime AM Station, WRRR 1290 KHz. 500W-D and two FM 253A, 278A.


Pursuant to Section 1.401(d) for the Rules, a draft Notice of proposed Rule Making is shown at Attachment B.

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Petitioner will apply for Channel 296B1 if it is assigned,
and authorized, will build the station promptly.

WHEREFORE, THE PREMISES CONSIDERED, it is respectfully
requests that the Commission amend Section 73.202(b) of its Rules
to allocated FM Channel 296B1 to Frederiksted, Saint Croix.

Respectfully submitte,

By 
José J. Arzuaga

José J. Arzuaga
P.O. Box 980
Quebradillas, PR 00678

December 20, 1995

ENGINEERING STATEMENT

This engineering statement is in support of a petition for Rule Making by José J. Arzuaga to assign FM Channel 296B1 (107.3 MHz.) to Frederiksted, Saint Croix.

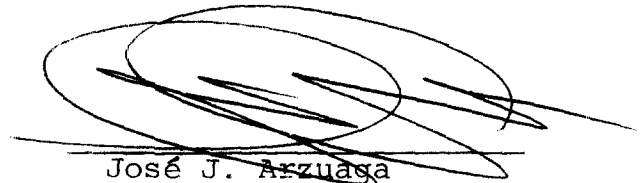
The allotment study, Figure 1 shows that from a site located at Frederiksted all minimum mileage separations are met with adjacent channels.

CERTIFICATION

The undersigned, José J. Arzuaga, hereby certifies that he prepared the enclosed engineering report.

That his qualifications are a matter of record with the Federal Communications Commission at Washington, D.C.

That the calculations and exhibits contained and described in this report were made under his personal supervision and direction; that all of the facts and data contained in the attached report are true and correct to the best of his knowledge; and that any statements made and shown as being made on information and belief are believed to be true and correct as therein appearing.



Handwritten signature of José J. Arzuaga, consisting of a large, stylized 'J' and 'A' with a horizontal line through the middle.

José J. Arzuaga

FM SPACING STUDY

TITLE: FREDERIKSTED
CHANNEL: 296B1

LAT: 17-44-07
LONG: 64-40-46

DECEMBER 20, 1995

<u>CALL</u>	<u>CHAN</u>	<u>LATITUDE</u>	<u>DIST.</u>	<u>REG.</u>	<u>MARGIN</u>
<u>CITY OF LICENSE</u>	<u>FREQ.</u>	<u>LONGITUDE</u>	<u>KM</u>	<u>KM</u>	
			<u>(MI)</u>	<u>(MI)</u>	
WAHQ Carolina	299B 107.7	18-18-36 65-47-41	71 (44)	131.07 83.31	CLEAR
WCMN-FM Arecibo	297B 107.3	18-14-52 66-48-43	145 (90)	232.51 144.47	CLEAR
WMEG Guayama	295B 106.9	18-06-48 66-03-07	145 (90)	151.1 93.89	CLEAR
WNIK Arecibo	293B1 106.5	18-28-28 66-43-40	50 (31)	231.45 143.82	CLEAR

ATTACHMENT A

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the matter of)
)
)

Amendment of Section 73.202(b))
Table of Assignments,)
FM Broadcast Stations,)
(Frederiksted, Saint Croix))

MM Docket No. _____
RM- _____

NOTICE OF PROPOSED RULE MAKING

Adopted: _____; Released: _____

By the chief, Policy and Rules Division:

1. The Commission has under consideration a petition for rule making filed by José J. Arzuaga ("Petitioner"), proposing the assignment of Class B1 Channel 296 to Frederiksted, Saint Croix, as That Community's third FM Service. Petitioner submitted information in support of the proposal and expressed his interest in filing for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the assignment could provide a third fulltime service to Frederiksted, Saint Croix, the Commission believes it is appropriate to invite comments on the proposal to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with respect to the following community:

Channel No.

City
Frederiksted, Saint Croix

Proposed
296B1

3. The Commission's authority to institute Rule Making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are

incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph____ of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before _____, and reply comments on or before _____, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served to the petitioner, as follows:

JOSE J. ARZUAGA
P.O. BOX 980
QUEBRADILLAS, PR 00678

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, 73.202(b) of the Commission's Rules. See, Certification that Section 603 and 604 of the Regulatory Flexibility Act do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 111549, published February 6, 1981.

6. For further information concerning this proceeding, contact Roy Staart, Mass Media Bureau, (202) 632-6460. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court reviews, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending Rule Making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the

petitioner constitutes an ex parte presentation and shall no be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is direct, constitutes an who filed the comment, to which the reply is direct, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Policy and Rules Division
Mass Media Bureau